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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Human Rights Council must exhort Ukraine to comply with UN Basic Principles on the Use of Force and overcome impunity for human rights violations in the context of the EuroMaydan demonstrations

Amnesty International has been documenting human rights violations in the context of "EuroMaydan" since 21 November 2013. We have documented numerous cases of violations of the right to peaceful assembly, excessive use of force by law enforcement officers, unfair trials and harassment of those who have lodged complaints with the authorities.[1] We have continued to document abusive use of force by law enforcement officers. We have also received several reports of abductions and ill-treatment of active protestors by unknown assailants.[2] On 16 January, in chaotic conditions that violated parliamentary procedure, the Ukrainian parliament passed repressive legislation which severely curtailed the rights to freedom of assembly, association and expression, including by requiring NGOs receiving foreign funding to register as "foreign agents", criminalizing libel, and giving police additional powers to control the conduct of demonstrations. President Yanukovych signed the new laws into force on 18 January distancing Ukraine yet further from its international human rights obligations. This new law fanned the flames of protest. Parliament repealed the repressive laws on 31 January, but protests in Kyiv and other cities are continuing. Violence broke out again on 18 February after an unsuccessful attempt by the opposition to table constitutional changes in the parliament.

Hundreds of people have been wounded, some very seriously, as a result of interventions by law enforcement officers during the protests. On 21 February, the Ministry of Internal Affairs reported that 16 police officers had died as a result of the protests, and there are reports that during the week of 16 – 22 February, as many as 78 people may have died in Kyiv alone, although we are unable to verify these figures. Some protestors have been abducted by unknown assailants, and subjected to torture and other ill-treatment – one was found dead. The shocking footage of a EuroMaydan protestor being stripped, humiliated and beaten by Ukrainian law enforcement officers brought international attention to the issue of torture and ill-treatment and police impunity in Ukraine. In the case of the protestor who was stripped and beaten, the Ukrainian Minister of Internal Affairs took the unusual step of issuing a public apology for the incident. The reality is that individuals who complain about police ill-treatment have little chance of getting their complaints heard, let alone acted upon. There are no official statistics for the number of people that have complained about torture and other ill-treatment since the beginning of the EuroMaydan demonstrations. Amnesty International has interviewed over 20 such individuals and none of them has received any assurance or indication from the authorities that their complaints are being investigated.

Amnesty International has documented many cases of torture and other ill-treatment in Ukraine over the years, and this research has demonstrated that the Ukrainian authorities fail to live up to their obligations to effectively and impartially investigate all such allegations and to bring the perpetrators to justice.[3] Widespread frustration with the apparent impunity of law enforcement officers has fuelled social conflict. A report by the Monitoring Committee of the Council of Europe adopted by the Parliamentary Assembly on 30 January 2014 calls on the Ukrainian authorities to conduct "transparent and impartial investigations" into incidents of abusive use of force by the police on 30 November, on 1 and 11 December, as well as during the escalation of violence starting on 19 January 2014. In a statement on 18 February, the UN Human Rights Commisioner Navi Pillay called for "an urgent and independent investigation to establish facts and responsibilities, including the possible use of excessive force, and to ensure accountability for these deadly clashes". In its concluding observations on the Seventh periodic Report of Ukraine, the UN Human Rights Committee

[1] Amnesty International's report "EuroMaydan" Human Rights Violations During Protests in Ukraine (AI Index: EUR 50/020/2013) which covers the situation up to 23 December can be found at: http://amnesty.org/en/library/info/EUR50/020/2013/en.

[2] See Ukraine: Sorry is not enough: Police impunity must end!, (AI Index EUR 50/008/2014),http://www.amnesty.org/en/library/asset/EUR50/008/2014/en/f0bc809b-38ba-4c68-95f9-5a02a0f86438/eur500082014en.pdf.

[3] See Ukraine: No Evidence of a Crime: Paying the price for police impunity in Ukraine (AI Index EUR 50/009/2011), http://www.amnesty.org/en/library/info/EUR50/009/2011.

called on Ukraine to "establish a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment" as a matter of priority.

Amnesty International recognizes that some protestors in Kyiv and other cities have been violent, but this violence has been met, in many cases, by the abusive use of force by law enforcement officers. The use of violence by some protestors does not absolve law enforcement officers from compliance with international human rights standards. We have also documented cases where peaceful protestors and bystanders have been beaten by law enforcement officers. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials require that law enforcement officers should exercise restraint in using force and should minimize damage and respect and preserve life.

Amnesty International urges the HRC to call for:

- an independent international investigation into allegations of human rights violations, such as arbitrary and abusive use of force, including killings, committed by the Ukrainian law enforcement officials, abuses by any vigilante groups who have allegedly colluded with them, and abuses by others which have taken place in the context of the EuroMaydan protests. The independent investigation should be followed by effective steps to ensure that, where sufficient admissible evidence exists, those suspected of such crimes are prosecuted in proceedings which fully conform with international standards for fair trial;

- ongoing international monitoring of the human rights situation in Ukraine, including of the effectiveness of any domestic investigation of human rights violations;

- states to suspend transfers to Ukraine of munitions, weapons, and related equipment including crowd control weapons and devices, training and techniques that pose a substantial risk of being misused by security forces in Ukraine until substantive steps have been taken by the Ukrainian authorities to achieve accountability for previous violations and effective mechanisms are in place to ensure that such items will not be used to commit or facilitate serious violations of international law. The suspension should include all indirect exports via other countries, the transfer of components and technologies used for such equipment, and any brokering, financial or logistical activities that would facilitate such transfers.

Amnesty International reiterates its call to the Government of Ukraine to:

- ensure that the Ukrainian law enforcement agencies (including police, soldiers and other security forces) comply fully with international standards as set out in the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and thereby respect and protect the right to life, liberty and security of person;

- ensure that all allegations of torture and other ill-treatment and excessive use of force by law enforcement

- officers, including killings, all alleged abuses by any vigilante groups who have allegedly colluded with them, as well as abuses by others, are promptly, effectively and independently investigated and that those reasonably suspected of such crimes are prosecuted in proceedings which fully comply with international standards for fair trial; urgently establish the State Investigation Bureau outlined in the new Criminal Procedural Code of Ukraine as a genuinely independent institution that effectively and promptly investigates all allegations of torture and other ill-treatment by law enforcement officers.